IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

S.B.CRIMINAL MISC. PETITION NO. 735/2004
(Bansi Lal Vs. State of Rajasthan & Anr.)

Date of Order : 24/07/2006

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

Mr. R.K.Charan for the petitioner.
Mr. Sudhir Saruparia for non-petitioner No.2
Mr. Ashok Upadhyay, public prosecutor.

BY THE COURT:-

Heard learned counsel for the parties.

By the instant petition under Section 482 Cr.P.C., the petitioner seeks quashing of FIR No. 114/2004 Police Station, Kapasan, district Chittorgarh for the offences under Sections 467, 468, 471 and 420 IPC.

It is contended by learned counsel for the petitioner that from a bare perusal of the first information report, the very essential ingredients of forging of the document and using it as genuine has not been made out. Learned counsel further submits that the elements of cheating are not made out from the allegation levelled in the FIR and thus according to learned

counsel the offences noticed above are not made out.

In the FIR, the allegation against the present petitioner is that he filed an affidavit before the Municipal Authority for getting No Due Certificate and had a water connection with regard to the property namely Hanuman Temple. Both the parties claim to be Pujari of the said Temple. Be that as it may, there is no allegation that any document was forged or a document purporting to be a valuable security has been used as genuine. So far as the offence of cheating is concerned, on bare reading of FIR, the very essential ingredients of cheating are not made out. In the circumstances, therefore, allowing the FIR and investigation thereunder would be nothing but an abuse of the process of the Court.

Consequently, the petition is allowed. The FIR No. 114/2004 Police Station, Kapasan, district Chittorgarh is quashed. Stay petition stands disposed of.

(H.R.PANWAR),J.

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